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## REMARKS

### Claim Informalities

In claim 1, line 6, "potion" has been corrected to read "portion".

### New Claims

New claims 14-19 are repetitive of previously presented dependent claims, with a dependency on amended claim 5.

New claim 20 finds support at page 7, lines 4-6. This feature of continuously decreasing width of the grooves is not appreciated by the relevant art of record.

### Nakayama et al

Claims 1, 3, 8 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by Nakayama et al (U.S. 4,078,596).

Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al in view of Japan '605 (JP 5-605) and Radulescu (WO 98/26945).

Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al.

All of the above rejections rely upon the rejection of claim 1 over Nakayama. Nakayama specifically teaches that the sipe grooves 7 "have a width at the tread surface which will be substantially closed at its contact region with the ground under normal running conditions" (col 2, lines 9-12; col 3, lines 43-45; col 7, lines 65-67). Nakayama teaches that by forming the sipes grooves with such a narrow width, "it is possible to prevent uneven heel and toe wear" (col 3, lines 45-47).

In the present invention, Applicant is claiming a plurality of grooves 40. The specification specifically recites, pg 5, lines 12-14, that in the context of the present invention, the term groove "is intended to have a width large enough to remain open in the tires contact pitch or footprint." As the claims must be interpreted in light of the specification and any definitions of claim terms therein, the present claims are directed to grooves 40 that have a width large enough to remain open in the tires contact pitch or footprint. This is distinct from that disclosed and desired by Nakayama et al.

As Nakayama fails to teach and disclose each and every aspect of the presently claimed invention, it is requested that all rejections based on Nakayama et al be withdrawn.

Should Nakayama be considered for the primary reference in a § 103 rejection,

Applicants respectfully assert that to modify the grooves of Nakayama to have a greater width, such that the grooves stay open in the contact patch, is specifically contrary to the recited teachings of Nakayama and destroy the taught goal of reducing heel and toe wear.

#### Radulescu

Claims 1, 3 and 5-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Radulescu et al (U.S. 6,196,288) in view of Nakayama et al (U.S. 4,078,596).

Similar to Nakayama et al, Radulescu discloses the use of sipes in the tread ribs. The sipes are disclosed as having a width of 0.2 to 0.4 mm. While not explicitly stating it, by identifying the tread features 32 as sipes, one skilled in the art would have known at the time of the invention, that the tread features 32 of Radulescu are intended to be substantially closed at its contact region with the ground under normal running conditions, similar to the sipe grooves 7 of Nakayama. The distinction between a sipe that closes upon ground contact and groove that does not close upon ground contact is well known in the tire art. Radulescu even refers to narrow width grooves 9, distinguishing these grooves from the sipes 32.

As discussed above, by reciting “grooves” and defining “grooves” as having a width such that the grooves remain open in the contact patch or footprint, Applicants have set forth claims for a tire tread different from that of Radulescu. The teachings of Nakayama do not remedy this deficiency, as Nakayama explicitly teaches that the sipe grooves close during contact with the ground surface and even the exemplary wider 2.5 mm sipe groove width of Nakayama (col 5, lines 7-10) is disclosed as closing upon ground contact.

As Radulescu in view of Nakayama et al fails to teach or suggest each and every claim element, failing to establish *prima facie* obviousness, it is requested that this rejection be reconsidered and withdrawn.

#### Verdier

Claims 1, 3 and 8-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Verdier (U.S. 3,682,220) in view of Europe '448 (EP 231448), Miller (U.S. Des. 66870) or Minami et al (U.S. 5,526,860).

Claims 2 and 4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Verdier in view of Europe '448, Miller or Minami as applied above and further in view of Fukumoto et al (U.S. 5,833,781).

Both rejections are based on the base rejection of claim 1 of Verdier as modified by EP '448, Miller, or Minami et al.

As recognized by Examiner, and appreciated by Applicants, the grooves 36, 37, 38, 40, and 41 of Verdier remain open during tread contact with the ground or in the footprint; thus falling with the definition of “groove” of the present invention.

The semibland grooves of Fig. 3 of Verdier are again relied upon as meeting the claimed tire tread, though the grooves have two blind portions. To do away with this distinction from the recited blind groove, it is simply asserted that one would readily remove one of the blind portions in view of EP '448, Miller, or Minami. Without any support in the art, it is held that the second blind groove portions of Verdier are unnecessary. As Verdier illustrates that both types of multiple bent grooves illustrated have two blind portions, and Verdier desires improved water drainage from the tread, it cannot be simply asserted that one would just “do away” with one blind portion as the second blind portion is unnecessary for water drainage. Such a position is purely speculative. The cited supporting art, EP '448, Miller, and Minami, while showing bent grooves, do not support the position that a second blind portion is unnecessary – they fail to show that a two blind portion groove is an equivalent alternative to a single blind portion groove. The only art in the application that comes closest to showing such an alternative is Nakayama in Figs. 3a-3d; however, even Nakayama's sipes have more than the recited two portions. Additionally, it is not stated which blind portion of Verdier is considered to be insignificant to be arbitrarily removed.

It is held that the semibland transverse grooves illustrated in Fig. 3 of Verdier are considered to have a “hook-shape.” Applicant disagree with this characterization of the grooves of Verdier in order to make Verdier fit into the scope of the claim. The additional art cited, EP '448, Miller, Minami, also fail to illustrate a “hook-shaped” groove.

As Applicant did not specifically define “hook shaped” beyond being a two portion groove that has an inclined centerline that bisects the two portions of the groove, other sources may be relied upon to provide meaning to the term “hook shaped.”

Webster's Dictionary defines hook as “a curved or bent device for catching, holding, or pulling.” American Heritage Dictionary defines hook as a “curved or sharply bent device, usually of metal, used to catch, drag, suspend, or fasten something else.” Both definitions give a fish hook as a example of a hook shape, and it is a fish hook shape that Applicants grooves mimic. By both definitions, in order to be a hook, or hook shaped, the item in question must have a configuration that would be capable of catching, holding or suspending

an object if the hook was an individual element. Applicants' groove 40 meets this definition – the groove configuration is a curved or sharply bent configuration that, if made of metal, would be capable of catching, holding or suspending an object; the groove 40 closely resembles the basic fish hook configuration wherein the second portion is strongly bent or curved back in on itself.

The grooves of Verdier do not meet this definition, regardless of whether the 3 portion groove of Fig. 3 is considered or the 2 portion groove as modified in the rejection. The blind portions are bent at either an obtuse angle or at a right angle to the main groove portion open to the circumferential groove.

EP '448 does not describe the bent grooves as "hook-shaped." Miller provides no specific description of the grooves other than that illustrated. Minami is silent about any description of the blind grooves in Figure 1 – they appear to be extensions of grooves Go that mimic the bend of grooves Gi. For all three grooves disclosed by the secondary art, none have a configuration that meets the above definition of hook or hook shaped.

While not used in the rejection, other art cited in the application shows similar sipes or grooves to the secondary art used in this rejection. Japan 5-605 illustrates similar sipes, referring to the sipes as "bent." Leonard shows similar grooves, stating that the blind portion is inclined at an obtuse angle from the first portion of the grooves (col 2, line 71-col 3, line 1).

Benson discloses tread slots that due to the multiple portions may be termed hook shaped, but the hook shape is not achieved in only 2 portions. Nakayama shows a strongly curved sipe in Fig. 3c, but this configuration has multiple portions. Roberts shows a sipe configuration that may be hooked shaped, but it appears to be formed of three portions as the tip of the blind groove has a second strong curve to it as the sipe curves back in on itself.

None of the prior art of record shows a two portion hook-shaped groove or sipe as recited by Applicant.

Fukumoto et al, cited in the rejection of dependent claims, fails to cure this deficiency.

To establish *prima facie* obviousness, there 1) must be some suggestion or motivation in the art to modify or combine the references; 2) must be a reasonable expectation of success and 3) the combined references must teach or suggest all the claim limitations. Verdier as modified above fails to teach or suggest all the claim limitations. It is respectfully requested that the rejection be reconsidered and withdrawn.

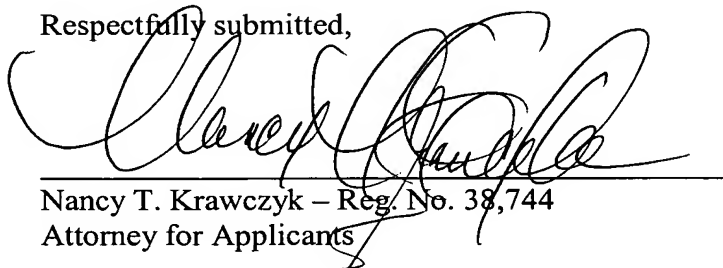
Allowable Subject Matter

Applicants appreciate the indication of the allowable subject matter in claims 5-7 and 13, with the additions stated by the Examiner.

Claim 5 has been amended to include the limitations of claim 1; newly presented claims 14-20 are duplicative of previous dependent claims that are also applicable to the tread embodiment of claim 5. Claim 13 has also been amended to include intervening claim limitations. While it has been suggested that language be introduced into both new independent claims regarding the fact that the grooves stay open during ground contact, as noted in the arguments above, based upon the supporting definition in the specification, a proper interpretation of the claims based upon the specification already requires the grooves to be of a nature that the grooves stay open during ground contact.

In light of this amendment, Applicants believe all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to indicate allowability of all pending claims.

Respectfully submitted,



Nancy T. Krawczyk – Reg. No. 38,744  
Attorney for Applicants

The Goodyear Tire & Rubber Company  
Department 823  
1144 East Market Street  
Akron, Ohio 44316-0001  
Telephone: (330) 796-6366  
Facsimile: (330) 796-9018



R'S

# New Collegiate Dictionary

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pendent on honor for fulfillment — **hon-or-ari-ly** \än-ä-'rer-ä-lē\ *adv*

**honorary** *n*, *pl* -aries 1 *archaic*: HONORARIUM 2: an honorary society 3: an honorary degree or its recipient

**hon-or-ee** \än-ä-'rē\ *n*: one who receives an honor

**honor guard** *n*: a guard assigned to greet or accompany a distinguished person or to accompany a casket at a military funeral — called also *guard of honor*

**hon-or-if-ic** \än-ä-'rif-ik\ *adj* 1: conferring or conveying honor <~ titles> 2: belonging to or constituting a class of grammatical forms used in speaking to or about a social superior — **hon-or-if-ic-al-ly** \-i-k(ə)-lē\ *adv*

**honorific** *n*: an honorific word, phrase, or form

**honor roll** *n*: a roster of names of persons deserving honor: as a: a list of students achieving academic distinction b: a publicly displayed list of the names of local citizens who have served in the armed forces

**honor society** *n*: a society for the recognition of scholarly achievement esp. of undergraduates

**honor system** *n*: a system (as at a college or prison) whereby persons are trusted to abide by the regulations without supervision or surveillance: *specif*: a system of conducting examinations without faculty supervision

**hon-our** \än-är-, **hon-our-able** chiefly *Brit var* of HONOR. HONOR-ABLE

**hooch** \hüch\ *n* [short for *hoochinoo* (a distilled liquor made by the Hoochinoo Indians, a Tlingit people)] *slang*: alcoholic liquor esp. when inferior or illicitly made or obtained

**hooch or hootch** \hüch\ *n* [modif. of *Jap uchi house*] *slang*: a usu. thatched hut: *broadly*: DWELLING <was awakened in his ~ at an air base... by a fellow pilot — M. D. Perry>

**hood** \hüd\ *n* [ME, fr. OE *hōd*; akin to OHG *huot* head covering] 1 a (1): a flexible covering for the head and neck (2): a protective covering for the head and face b: a covering for a hawk's head and eyes c: a covering for a horse's head: also BLINDER 2 a: an ornamental scarf worn over an academic gown that indicates by its color the wearer's college or university b: a color marking or crest on the head of an animal or an expansion of the head that suggests a hood 3 a: something resembling a hood in form or use b: a cover for parts of mechanisms: *specif*: the movable metal covering over the engine of an automobile c: a top cover for the body of a vehicle designed to be folded back d: an enclosure or canopy provided with a draft for carrying off disagreeable or noxious fumes, sprays, smokes, or dusts e: a covering for an opening (as a companion hatch) on a boat — **hood** *vt* — **hood-like** \-lik\ *adj*

**hood** \hüd-, 'hüd\ *n*: HOODLUM

**hood** \hüd\ *n* suffix [ME *-hod*, fr. OE *-hād*; akin to OHG *-heit* state, condition, *heitar* bright, clear] 1: state: condition: quality: character <boyhood> <hardhood> 2: time: period <childhood> <widowhood> 3: instance of a (specified) state or quality <falsehood> 4: individuals sharing a (specified) state or character <brotherhood>

**hood-ed** \hüd-əd\ *adj* 1: having a hood 2: shaped like a hood <~ spathes> 3 a: having the head conspicuously different in color from the rest of the body <~ bird> b: having a crest on the head that suggests a hood <~ seals> c: having the skin at each side of the neck capable of expansion by movements of the ribs <~ cobra> — **hood-ed-ness** *n*

**hood-lum** \hüd-ləm-, 'hüd-\ *n* [origin unknown] 1: THUG: *esp*: one who commits acts of violence 2: a young ruffian — **hood-lum-ish** \-lə-mish\ *adj* — **hood-lum-ism** \-miz-əm\ *n*

**hood-man-blind** \hüd-mən-'blind\ *n*, *archaic*: BLINDMAN'S BUFF

**hoo-doo** \hüd-(ü)-\ *n*, *pl* hoo-dooes [of African origin; akin to Hausa *hū-dū-bā* to arouse resentment] 1: Voodoo 2: something that brings bad luck 3: a natural column of rock in western No. America often in fantastic form — **hoo-doo-ism** \-iz-əm\ *n*

**hoo-doo** *vt*: to cast a spell on: *broadly*: to be a source of misfortune to

**hood-wink** \hüd-'wink\ *vt* [*hood* + *wink*] 1 *archaic*: BLIND-FOLD 2 *obs*: HIDE 3: to deceive by false appearance: impose upon — **hood-wink-er** *n*

**hoo-ey** \hü-ē\ *n* [origin unknown]: NONSENSE

**hoof** \huf-, 'huf\ *n*, *pl* hooves \huvz-, 'huvz\ or hoofs [ME, fr. OE *hōf*; akin to OHG *huof* hoof, *Skt saptha*] 1: a curved covering of horn that protects the front of or encloses the ends of the digits of an ungulate mammal and that corresponds to a nail or claw 2: a hoofed foot esp. of a horse — **on the hoof** *of a meat animal*: before butchering: LIVING <10¢ a pound on the hoof>

**hoof** *vt* 1: WALK 2: KICK, TRAMPLE ~ *vi*: to move on the feet: *esp*: DANCE

**hoof-and-mouth disease** *n*: FOOT-AND-MOUTH DISEASE

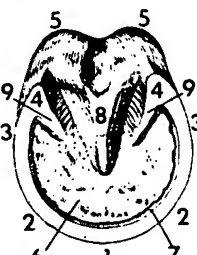
**hoof-beat** \huf-bēt-, 'huf-\ *n*: the sound of a hoof striking a hard surface (as the ground)

**hoofed** \huf-, 'huf-, 'hüd-, 'hüd\ *adj*: furnished with hoofs: UNGULATE

**hoof-er** \huf-ər-, 'hü-fər\ *n*: a professional dancer

**hoof-print** \huf-'print-, 'huf-\ *n*: an impression or hollow made by a hoof

**hook** \hük\ *n* [ME, fr. OE *hōc*; akin to MD *hoec* fishhook, corner, Lith *kenge* hook] 1: a curved or bent device for catching, holding, or pulling 2: something curved or bent like a hook 3: a flight of a ball that deviates from a straight course in a direction opposite to the dominant hand of the player propelling it also a ball following such a course — compare *SICE* 4: a short



hoof of a horse, unshod; 1, 2, 3, 4, parts of wall (1 toe, 2 side walls, 3 quarters, 4 buttresses) 5 bulbs, 6 sole, 7 white line, 8 frog, 9 bars

blow delivered with a circular motion by a boxer while it remains bent and rigid 5: HOOK SHOT 6: BUTTONHOOK

**hook** *or by crook*: by any means — **off the hook** *trouble* — **on one's own hook: by oneself: INDEPENDENT**

**hook** *vi* 1: to form into a hook: CROOK 2: to seize, pierce or connect by or as if by a hook 3: STEAL, PILFER 4: to pierce as if with a hook 5: to make (as a rug) by draw, of yarn, thread, or cloth through a coarse fabric with a: to hit or throw (a ball) so that a hook results ~ *vi* 1: a hook: CURVE 2: to become hooked

**hoo-kah** \hük-ä-, 'hü-kä\ *n* [Ar *huggah* bottle of a wa: WATER PIPE

**hook and eye** *n*: a 2-part fastening device (as on a garment door) consisting of a metal hook that catches over a bar loop

**hook and ladder truck** *n*: a piece of mobile fire apparatus ladders and usu. other fire-fighting and rescue equipment called also *hook and ladder*, *ladder truck*

**hook-bill** \hük-bil\ *n*: PARROT: also: a closely related

**hook check** *n*: an act or instance of attempting to knock away from an opponent in ice hockey by hooking it with

**hooked** \hük-, 'is also 'hük-əd\ *adj* 1: having the hook 2: provided with a hook 3: made by hooking <4 a: addicted to narcotics b: fascinated by or devoted, thing <~ on skiing> — **hooked-ness** \hük(t)-ness, 'hü-

**hook-er** \hük-ər\ *n* 1: one that hooks 2: PROSTITUTE

**hooker** *n* [D *hoeke*, alter. of MD *hoeboot*, fr. *haec* (f: boat) 1: a one-masted fishing-boat used on the E: Irish coasts 2: an old, outmoded, or clumsy boat

**hook-let** \hük-lat\ *n*: a small hook

**hook shot** *n*: a shot in basketball made usu. while standing to the basket by swinging the ball up through an air: far hand

**hook-up** \hük-əp\ *n* 1: an assemblage (as of circuits: a specific purpose (as radio transmission); also: the pl: an assemblage 2: an arrangement of mechanical parts: CONNECTION <a campsite with electric, water, and sewer: a state of cooperation or alliance often between air elements

**hook-worm** \hük-'worm\ *n* 1: any of several parasitic nematode worms (family Ancylostomatidae) that have strong buccal hooks or plates for attaching to the host's intestinal lining and that include serious bloodsucking pests 2: ANCYLOSTOMIASIS

**hooky** *or hook-ey* \hük-ē\ *n*, *pl* hook-ies *or* hook-eyes [prob. fr. *slang* hook, hook it (to make off)]: TRUANT — used chiefly in the: *hooky*

**hoo-li-gan** \hü-li-gan\ *n* [perh. fr. Patrick *Hooligan* a hoodlum in Southwark, London]: RUFFIAN, HOODLUM

**hoo-li-gan-ism** \-gə-'niz-əm\ *n*

**hook** \hüp-, 'hüp\ *n* [ME, fr. OE *hōp*; akin to MD *hoep* Lith *kabe* hook] 1: a circular strip used esp. for holding the staves of containers or as a plaything 2 a: a circle or object: RING b: the rim of a basketball goal; *br*: entire goal 3: a circle or series of circles of flexible material to expand a woman's skirt — **hoop** *adj*

**hoop** *vt*: to bind or fasten with or as if with a hoop

**hoop-la** \hü-'plä-, 'hüp-lä\ *n* [F *houp-lä*, interj.]: 1: of excited commotion: TO-DO 2: utterances designed to

**hoop-poe** \hü-(ü)pü-, -(ü)pö\ *n* [alter. of *pl* obs. *hoop*, fr. M L *upupa*, of imit. origin]: any of several Old World birds (family Upupidae) having a slender decurved bill

**hoop-skirt** \hüp-'skört-, 'hüp-\ *n*: a skirt stiffened with hoops

**hooray** \hü-'rä\ *var* of HURRAH

**hoose-gow** \hüs-gau\ *n* [Sp *juzgado* panel of judges, fr. pp. of *juzgar* to judge, fr. L *judicare*] *slang*: JAIL

**Hoo-sier** \hü-zhər\ *n* [perh. alter. of E dial. *hoosier* an of its kind]: a native or resident of Indiana — used as: — **Hoosier** *adj*

**hoot** \hüt\ *vb* [ME *houten*, of imit. origin] *vi* 1: to shout usu. in contempt 2: to make the natural throat owl or a similar cry 3: to make a loud clamorous sound ~ *vi* 1: to assail or drive out by hooting <~ speaker> 2: to express in or by hoots <~ ed their d> — **hoot-er** *n*

**hoot** *n* 1: a sound of hooting: *esp*: the cry of a minimum amount or degree (as of care or consideration) bit <don't give a ~ what happens>

**hoot** \hüt\ *or* hoots \hüts\ *interj* [origin unknown] — used to express impatience, dissatisfaction, or objection

**hoo-te-nan-ny** \hüt-n-an-ē\ *n*, *pl* -nies [origin chiefly dial]: GADGET 2: a gathering at which folks: tain often with the audience joining in

**hop** \höp\ *vb* hopped; **hop-ping** [ME *hopen*, fr. akin to OE *hype* hip] *vi* 1: to move by a quick step in a series of leaps: *esp*: to jump on one foot 2: to trip esp. by air ~ *vi* 1: to jump over <~ a fence> on esp. surreptitiously and without authorization <~>

**hop** *n* 1 a: a short brisk leap esp. on one leg b: BOUND <shortstop took it on the first ~> 2: DANCE: a light in an aircraft b: a short trip c: a free

**hop** *n* [ME *hoppe*, fr. MD: akin to OHG *hopfo* hop, O more at SHEAF] 1: a twining vine (*Humulus lupulifer* family with 3-lobed or 5-lobed leaves and flowers of which the pistillate ones are in glandular catkins 2 *pl*: the ripe dried pistillate catkins of a hop to impart a bitter flavor to malt liquors 3 *slang*: a *n* *esp*: OPIUM


**Dictionary  
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TYPE IN YOUR WORD &amp; CLICK GO!

Search:   **hook**  Listen: [ hook ][\(Pronunciation Key\)](#)*n.*

1. **a.** A curved or sharply bent device, usually of metal, used to catch, drag, suspend, or fasten something else. **b.** A fishhook.
2. Something shaped like a hook, especially: **a.** A curved or barbed plant or animal part. **b.** A short angled or curved line on a letter. **c.** A sickle.
3. **a.** A sharp bend or curve, as in a river. **b.** A point or spit of land with a sharply curved end.
4. A means of catching or ensnaring; a trap.
5. **Slang** **a.** A means of attracting interest or attention; an enticement: *a sales hook*. **b.** **Music** A catchy motif or refrain: *"sugary hard rock melodies [and] ear candy hooks" (Boston Globe)*.
6. **Sports** **a.** A short swinging blow in boxing delivered with a crooked arm. **b.** The course of a ball that curves in a direction away from the dominant hand of the player propelling it, as to the left of a right-handed player. **c.** A stroke that sends a ball on such a course. **d.** A ball propelled on such a course. **e.** In surfing, the lip of a breaking wave.
7. **Baseball** A curve ball.
8. **Basketball** A hook shot.

*v.* hooked, hook·ing, hooks*v. tr.*

1. **a.** To catch, suspend, or connect with a hook. **b.** **Informal** To snare. **c.** **Slang** To steal; snatch. See Synonyms at steal.
2. To fasten by or as if by a hook.
3. To pierce or gore with or as if with a hook.
4. **Slang** **a.** To take strong hold of; captivate: *a novel that hooked me on the very first page*. **b.** To cause to become addicted.
5. To make (a rug) by looping yarn through canvas with a type of hook.
6. **Sports** **a.** To hit with a hook in boxing. **b.** To hit (a golf

ball) in a hook.

7. Baseball To pitch (a ball) with a curve.
8. Basketball To shoot (a ball) in a hook shot.
9. Sports To impede the progress of (an opponent in ice hockey) by holding or restraining the player with one's stick, in violation of the rules.

*v. intr.*

1. To bend like a hook.
2. To fasten by means of a hook or a hook and eye.
3. Slang To work as a prostitute.

**Phrasal Verb:**

**hook up**

1. To assemble or wire (a mechanism).
2. To connect a mechanism and a source of power.
3. Slang
  - a. To meet or associate: *We agreed to hook up after class. He hooked up with the wrong crowd.*
  - b. To become romantically or sexually involved with someone.
  - c. To marry or get married.

**Idioms:**

**by hook or by crook**

By whatever means possible, fair or unfair.

**get the hook Slang**

To be unceremoniously dismissed or terminated.

**hook, line, and sinker Informal**

Without reservation; completely: *swallowed the excuse hook, line, and sinker.*

**off the hook Informal**

Freed, as from blame or a vexatious obligation: *let me off the hook with a mild reprimand.*

**on (one's) own hook**

By one's own efforts.

---

[Middle English *hok*, from Old English *hȃc*; see *keg-* in Indo-European roots.]

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<b>&lt; hoo-ha</b>	<b>hookah &gt;</b>

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